

March 13, 1973

(Start Belt #7)

SENATOR CARPENTER: Mr. President, it seems first we ought to understand that this bill only is in effect for one year. That's the year 19-, until next June. I don't think it is important in this case what the Governor's done or not, he has exercised his judgement and responsibility, for whatever his reasons is, he is entitled to those reasons, and we are entitled if we disagree in order to get thirty votes in order to override what he thinks is his judgement. Now what are we trying to do? Undercover for example is a very technical thing, in the preparation of these cases and the advice to these men, what they can do and what shall do and how they shall do it, is just as important as the filing of the complaint. We all realize that we have a way of life today, whether you like it or not, which we lean over backwards in order to protect the rights of the individual, whether he be a pusher or what he be. Now we know from experience that many of these cases have been thrown out, after the patrol and others spent a lot of time and a lot of money and a lot energy and a lot of effort because what, the matter was not pursued correctly, the case was not set up to the point it would hold water in a court of law, the complaint was not pursued, not prepared as it should have been, and the case was thrown out of court. Now these lawyers are not going to be located anywhere in Omaha, or Scotts Bluff or anywhere else, they're going to be a roving group of lawyers, to the extent permitted in this body to do what, to follow these people who are going around trying to undercover the drug business and bring about a prosecution, and I might say a successful prosecution. Now you can talk all about the concern for money and I presume we have it, but the fact still remains too often we do not give credence to what we say which is unknown amount because we don't do the obvious thing and bring about a correction that is of use. I think experience has said and I think the Judiciary Committee which has been active more than any other committee in this area, has found out that unless these cases are properly prepared before the investigation is made and before the complaint is filed, for the most part, they will be thrown out of court. Now I think we have to realize that this is a dirty business, and sometimes to correct dirty business you have to have a scavenger go around and pick them up, before you pick them up you got to have a right to know the complaints enforceable has been taken according to law, everybody's been advised of his rights and his lawyer and all those other things so when you get to court, the county attorney is not a windmill he can stare and he can enforce the law and probably get a prosecution. Now the fact still remains it's self evident to the extent it does, I can't, I don't have the figure, but I know and you know, that in the last twelve months or so we have brought about and flushed out more violations of the Attract Act than ever happened in this state before. It's happened in towns and cities and areas which we didn't think it existed. This is not a question of money insofar as that is concerned, this is not something that is a proven thing, it's an attempt in order to do the thing that is necessary in order to arrest this thing before it gets any larger then it now is. In my town it's in the high schools, the junior college, to the extent I don't know, no body knows, that's the purpose of all these bills, of Senator Schmit's, is first to determine to the degree that it exists, and then we find, then do something about it. Now the only weak thing about the whole thing is we have a law that says that when you arrest a user, and the law is a good law, he shall be confined for seven days, but the weakness is there is no place to confine him. If you put him in the jail for example in Lincoln, or Douglas County it's worse then the habit, and that's our fault. But you can't